

July 22, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-20740
Summary Calendar

LORETTA OSBORNE,

Plaintiff-Appellant,

versus

SBC DISABILITY INCOME PLAN; SBC COMMUNICATIONS INC.;
SEDGWICK C.M.S.,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:03-CV-1687

Before JOLLY, DAVIS, and OWEN, Circuit Judges.

PER CURIAM:*

Loretta Osborne has filed a motion in this court to proceed in forma pauperis (IFP) on appeal from the dismissal of her Employee Retirement and Income Security Act (ERISA) complaint. The district court granted the defendants' motion for summary judgment and dismissed Osborne's claims after finding that the decision to deny Osborne long term disability benefits was not arbitrary, capricious, or an abuse of discretion. The district

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

court denied Osborne's motion to proceed IFP on appeal and certified that her appeal was not taken in good faith.

Osborne's financial affidavit establishes that she is unable to pay the costs of her appeal without undue hardship or deprivation of life's necessities. See Adkins v. E.I. Du Pont de Nemours & Co., 335 U.S. 331, 339 (1948). However, Osborne does not address the reasons for the district court's dismissal of her complaint. Osborne has failed to establish a nonfrivolous ground for appeal. See Carson v. Polley, 689 F.2d 562, 586 (5th Cir. 1982); 28 U.S.C. § 1915(a)(3). Her IFP motion is DENIED. As the appeal contains no nonfrivolous issues, it is DISMISSED. Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983); 5TH CIR. R. 42.2. Osborne's motion for appointment of counsel is DENIED.